

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 11/30/18

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DANIEL SHAK and SHK DIVERSIFIED, LLC
(and/or their successors in interest),

Plaintiffs,

-v-

JPMORGAN CHASE & CO., et al.,

Defendants.
-----X

15 Civ. 992 (PAE)

THOMAS WACKER,

Plaintiff,

-v-

JPMORGAN CHASE & CO., et al.,

Defendants.
-----X

15 Civ. 994 (PAE)

MARK GRUMET,

Plaintiff,

-v-

JPMORGAN CHASE & CO., et al.,

Defendants.
-----X

15 Civ. 995 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

Plaintiffs in this case have moved by letter to reopen discovery in this antitrust litigation, in light of the recently unsealed guilty plea by former J.P. Morgan trader John Edmonds. Dkt. 251. In particular, plaintiffs seek to take renewed depositions of three J.P. Morgan employees or former employees: Edmonds, Robert Gottlieb, and Michael Nowak. *Id.* The Court has received

submissions from J.P. Morgan (Dkts. 247, 259) and from the Criminal Division, Frauds Section, of the United States Department of Justice (Dkts. 249, 256). Salient here, the Government asks the Court to stay proceedings in this case, including reopened depositions, for six months, in deference to an ongoing criminal investigation. The parties to this case join in, or do not oppose, that application. The Court also spoke yesterday by telephone with the prosecutors responsible for that investigation. The Court did so to better understand the considerations underlying the request for a stay. The transcript of that conversation is sealed and is to be accessible to the Court only.

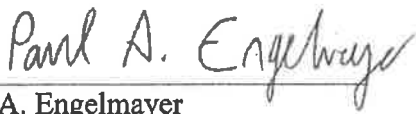
The Court's judgment is that a stay is warranted here. It is likely that the Court will eventually permit one or more depositions to be reopened in this case, in the interests of justice. However, for the reasons stated by the Government, law enforcement interests presently counsel in favor of deferring any such reopened depositions. The Court accordingly stays all activity in this case until May 31, 2019. The Court instructs the Government, and the parties, by May 30, 2019, to notify the Court in writing of their views as to the continuing need for a stay. These submissions, to the extent they touch upon confidential information, may be submitted under seal, and may be publicly filed in redacted form.

Motions pursuant to *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 570 (1993), are presently pending in the case, with respect to proposed expert testimony. The Court, however, is also persuaded that the information that may be developed in reopened depositions has the potential to influence the factual basis for the proposed expert testimony, making it inefficient for the Court now to resolve the pending motions. The Court, accordingly, denies these motions, without prejudice. After any reopened fact discovery has been completed, the Court, with input from the parties, will determine whether to reopen expert discovery including

to permit the submission of expert reports taking into account any new discovery, and/or whether to permit the existing motions and memoranda of law to be refiled as is.

The Clerk of Court is respectfully directed to terminate all pending motions.

SO ORDERED.


Paul A. Engelmayer
United States District Judge

Dated: November 30, 2018
New York, New York